

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

)
FADIL DELKIC,)
)
Plaintiff,) CIVIL ACTION FILE
)
vs.) NO.: 1:07-cv-1864-BBM
)
VLADIMIR DJURDJEV, BOJAN)
("BOB") PANIC, ET AL.,)
)
Defendants.) MOTION
)
)

PLAINTIFF'S MOTION FOR AN EXPANSION OF TIME TO RESPOND AND
OTHERWISE REPLY TO DEFENDANTS' MOTION TO DISMISS COMPLAINT AND
REQUEST FOR ATTORNEY'S FEES UP TO AND THROUGH
MONDAY, FEBRUARY 4, 2008 ("MOTION")

Plaintiff moves this Court for an expansion of time to respond and otherwise reply to Defendants' *Motion to Dismiss Complaint and Request for Attorney's Fees* ("Motion and Request") up to and through Monday, February 4, 2008 and shows this Court as follows:

1. In lieu of answering Plaintiff's complaint, Defendants filed their subject Motion and Request on January 2, 2008 [Doc 6].
2. Pursuant to the Federal Rules of Civil Procedure and this Court's Local Rules, Plaintiff has through January 22, 2008 to respond to same (*10 business days + 3 days for mailing*).
3. The recent winter storm caused a power failure and much data, notes and drafts ("data") in this matter were lost from counsel's computer hard drive and said data need to be

regenerated and/or retrieved prior to any response.

4. As of yet, very little, if any, of the critical data needed for Plaintiff's response has survived or has been retrieved.
5. Thus, Plaintiff and his counsel will need the additional time so as not to prejudice Plaintiff and to be able to fully respond to Defendants' Motion and Request.
6. This request is made before the due date of Plaintiff's response (January 22, 2008-as January 21, 2008 is a court holiday for Martin Luther King's birthday) not meant for delay and the extra time is needed by Plaintiff and his counsel.
7. The undersigned, since the winter storm, loss of power and loss of data, has attempted, with little luck, to regenerate the lost data in time to file Plaintiff's response on or before the deadline, January 22, 2008.
8. Although the data has a slight chance of being recovered and/or regenerated in time, the undersigned, in all due caution is requesting the additional time.
9. Defendants will not be prejudiced by this slight delay.
10. Finally, Plaintiff believes that Defendants' Motion and Request have no merit and, if allowed, Plaintiff's amended complaint should address some, if not many, of those issues.
11. Plaintiff has attached a proposed Order for this Court's review and approval.

12. For the within reasons, this Court should grant Plaintiff's Motion and allow him up to and through February 4, 2008 to respond to Defendants' Motion and Request.

Argument and Citation to Authority:

This Court has the inherent and equitable power to control matters before it and as a nine (9) business day delay will not prejudice Defendants, this Court is authorized to grant Plaintiff's request for the additional time.

WHEREFORE, Plaintiff prays that this Court GRANT his within and foregoing Motion for the reasons stated herein and allow Plaintiff up to and through February 4, 2008 to respond to Defendants' Motion and Request and for such other and further relief this Court deems fair, just and equitable.

Respectfully submitted,

This 18th day of January, 2008.

VILLANI & ASSOCIATES, P.C.

/s/ Ralph J. Villani
Ralph J. Villani
GA Bar No. 727700

2055-C Scenic Hwy., N.
Suite 404
Snellville, GA 30078-6167

(TEL) (770) 985-6773
(FAX) (770) 979-5190

(E/M) law2001@bellsouth.net

COUNSEL FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FADIL DELKIC,)
Plaintiff,) CIVIL ACTION FILE
vs.) NO.: 1:07-cv-1864-BBM
VLADIMIR DJURDJEV, BOJAN)
("BOB") PANIC, ET AL.,) ORDER
Defendants.)

)

ORDER

This matter having come before this Court on Plaintiff's Motion and this Court having considered same, it is hereby ORDERED that Plaintiff shall and does have to and through Monday, February 4, 2008 to respond to Defendants' Motion to Dismiss Complaint and Request For Attorney's Fees [Doc 6].

SO ORDERED this ____ day of _____, 2008.

Hon. Beverly B. Martin, Judge
U.S. District Court
Northern District of Georgia
Atlanta Division

Prepared and Submitted by:

/s/ Ralph J. Villani
Ralph J. Villani
Counsel for Plaintiff

COMBINED CERTIFICATION OF COMPLIANCE AND CERTIFICATE OF SERVICE

I certify that Plaintiff's within *MOTION* (with proposed Order attached) has been prepared in 12-point Courier New font and it complies with LR 5.1(B).

I further certify that I, this day, electronically filed Plaintiff's *MOTION* with the Clerk of this Court using the CM/EMF system which will automatically send E-mail notification of such filing to the following attorney of record:

Salmeh Fodor, Esq. *skfodor@mklawllc.com*

Respectfully submitted,

This 18th day of January, 2008.

VILLANI & ASSOCIATES, P.C.

/s/ Ralph J. Villani

Ralph J. Villani
GA Bar No. 727700

2055-C Scenic Hwy., N.
Suite 404
Snellville, GA 30078-6167

(TEL) (770) 985-6773
(FAX) (770) 979-5190

(E/M) *law2001@bellsouth.net*

COUNSEL FOR PLAINTIFF